

**VENABLE**

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**FAX COVER SHEET****DATE:**

August 11, 2003

**TO FAX NO:**

703-872-9326

**DELIVER TO:**Applicant Initiated Interview Request Form Dept.  
Examiner Raymond W. Addie  
(Phone: 703-305-0135)**FIRM NAME:**

USPTO

**FROM:**John P. Shannon  
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(EXCLUDING THIS PAGE):**

2

**OUR REFERENCE NO.:**

31530-171041

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PTOL-413A (05-03)  
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 09/ 826, 414 First Named Applicant: Hans Josef Rinninger  
Examiner: Raymond W. Addie Art Unit: 3671 Status of Application: Non-final  
rejection

**Tentative Participants:**

(1) Raymond W. Addie (2) Thomas B. Will  
(3) John P. Shannon (4) \_\_\_\_\_

Proposed Date of Interview: 8-14-03 Proposed Time: 10 **(AM/PM)**

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1</u>	<u>112</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej.</u>	<u>1</u>	<u>Scheiwiller '827</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

In claim 1, "perpendicular" will be deleted before "distances". With  
claim 1, then calling for the distances between the planar portions of the  
opposite faces being substantially equal, claim 1 distinguishes over  
Scheiwiller '827, in which the distances are not even close to being equal.  
An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

John P. Shannon  
(Applicant/Applicant's Representative Signature)

\_\_\_\_\_  
(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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Brief Description of Arguments to be Presented (cont):

It is pointed out that the distances between opposed faces of the Scheiwiller '827 are too different from one another to be considered, in the terms of claim 1, "substantially equal". In the case of *In re Faunce*, 24 USPQ 251 (1935), the CCPA stated that "substantially equal proportions" means that, although the proportions may vary slightly, neither will appreciable predominant. That case involved a medicinal preparation. In the Scheiwiller stones, one dimension predominates over the other two, or two dimensions predominant over the third. In *National Research Development Corp. v. Great Lakes Carbon Corp.*, DC Del., 1975, the court found that "substantially" in a claim is used to prevent avoidance of literal infringement by minor changes that do not cause a loss of the invention's benefit. The dimensions of the Scheiwiller '827 stone are sufficiently different from one another that the stone does not enjoy the benefit of the block of the present invention. More specifically, the Scheiwiller '827 stones are not formed so that each of the faces can be used as a horizontal upper face at the same height.

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